

REMARKS

The application has been thoroughly reviewed in light of the Office Action mailed March 26, 2004. Claims 1-16 and 18-23 remain pending. Claims 1, 9, 14, and 16 have been amended. No new matter has been added. Reconsideration and allowance of the application, as amended are respectfully requested in light of the foregoing amendments and the following remarks.

Claims 1 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,822,222 to Kaplinsky et al. ("Kaplinsky"). The rejection is traversed and reconsideration is requested.

As amended, independent claim 1 recites an automatic exposure adjusting device comprising, *inter alia*, "a decision element, which is capable of making a decision to either increase a next frame of exposure of said image sensor or decrease a next frame of exposure of said image sensor based on a relation with [pre-set] thresholds." Kaplinsky does not teach or suggest a decision element which is capable of increasing or decreasing exposure for a next frame. Rather, Kaplinsky discloses an apparatus for adjusting exposure, but unlike the claimed invention, Kaplinsky teaches "[t]he next frame's integration time is already set so that the decision to change integration time requires one frame time of latency." Col. 11, lines 39-41. [Emphasis Added].

For at least these reasons, Kaplinsky does not anticipate the claimed invention recited by claim 1, and claim 1 is submitted to be allowable. Claim 13 depends from claim 1 and contains all of the limitations recited by claim 1. For at least these reasons, claim 13 is also allowable. Withdrawal of the rejection of claims 1 and 13 is respectfully requested.

Claims 2-5, 7-9, 11, 14-16, and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaplinsky in view of U.S. Patent No. 4,684,995 to Baumeister ("Baumeister"). The rejection is traversed and reconsideration is requested.

Claims 2-5, 7-9, and 11 depend from claim 1. For whatever Baumeister teaches regarding the use of most significant bits, Baumeister does not cure the deficiencies of Kaplinsky as discussed above. For at least these reasons, claims 2-5, 7-9, and 11 are allowable.

Independent claim 14 recites an automatic exposure adjusting apparatus, comprising, an “image sensor having an adjustable exposure which when increased, increases an amount of exposure for a next frame of the image, and when decreased, decreases an amount of exposure for a next frame of the image.” For at least the reasons discussed above regarding the allowability of claim 1, claim 14 is also allowable. Baumeister does not cure the deficiencies of Kaplinsky as explained. Claim 15 depends from claim 14 and is also allowable for at least these reasons.

Independent claim 16 recites a method of automatically determining exposure control comprising “counting said characterized digital values; and if the number of overexposed pixels is greater than said first threshold, then decreasing an exposure for a next frame and if the number of under exposed pixels is greater than said second threshold then increasing the exposure for the next frame.” Neither of the cited references, whether considered alone or in combination, teach or suggest all of the limitations recited by claim 16. For at least these reasons, claim 16 is allowable.

Claims 18-19 depend from claim 16 and contain all of the limitations recited by claim 16. For at least these reasons, claims 18 and 19 are also allowable.

Claims 6, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaplinsky in view of Baumeister and further in view of U.S. Patent No. 6,061,091 to Van de Poel et al. (“Van de Poel”). The rejection is traversed and reconsideration is requested.

Claims 6 and 22-23 depend, respectively, from claims 1 and 16. For whatever Van de Poel teaches regarding exposure control based upon percentages of image sensors

having certain characteristics, Van de Poel does not cure the deficiencies of independent claims 1 and 16, as discussed above. Even if there were some objective motivation to combine the cited references, the combination does not teach or suggest all of the limitations of the rejected claims. For at least these reasons, claims 6 and 22-23 are allowable, and withdrawal of this rejection is respectfully requested.

Claims 10, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaplinsky and Baumeister and further in view of U.S. Patent No. 5,638,123 to Yamaguchi ("Yamaguchi"). The rejection is traversed and reconsideration is requested.

Claims 10 and 20-21 depend, respectively, from claims 1 and 16. For whatever Yamaguchi teaches regarding exposure control increase/decrease increments, Yamaguchi does not cure the deficiencies of independent claims 1 and 16, as discussed above. Even if there were some objective motivation to combine the cited references, which there is none, the combination does not teach or suggest all of the limitations of the rejected claims. For at least these reasons, claims 10 and 20-21 are allowable, and withdrawal of this rejection is respectfully requested.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaplinsky and in view of Baumeister and Yamaguchi, and further in view of Van de Poel.

Claim 12 depends from claim 1 and contains all of the limitations recited by claim 1. Even if there were some objective motivation to combine the cited references, which there is none, the combination does not teach or suggest all of the limitations of the rejected claims. For at least these reasons, claim 12 should be allowable, and withdrawal of this rejection is respectfully requested.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted

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